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Ad Hoc Committee for the Negotiation of a Convention against Corruption

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Agenda item 3

Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII

Proposals and contributions received from Governments

Peru: amendments to article 57

Article 57: Other cooperation measures

It is proposed that article 57 read as follows:

*“Article 57
“Other cooperation measures*

“1. States Parties shall, in accordance with their respective legal systems, afford one another the widest measure of cooperation regarding the most effective ways and means of preventing, detecting, investigating and punishing acts of corruption. They shall also cooperate with one another for the purpose of promoting cooperation and coordination directed towards preventing and combating corruption and related offences. In particular, each State Party shall adopt effective measures and mechanisms:”

[It is proposed to transfer subparagraph 1 (a) to article 55, option 1, and to insert it as a second option for paragraph 1 (a).]

“(b) To exchange information with other States Parties in connection with ongoing investigations of crimes and corruption and related offences and also during the detection of acts of corruption. To that end, States Parties shall establish, within their respective countries, a data bank containing information about institutions and officials and other persons concerned with the fight against corruption, which could be distributed and circulated to States so requesting.”



[It is proposed to delete subparagraph 1 (c) as its content is covered in subparagraph 1 (b) of article 55, options 1 and 2.]

[It is proposed to delete subparagraph 1 (d).]

“(e) To compile and share analytical experiences of acts of corruption at the bilateral level and through subregional, regional and international organizations and agencies.

“2. In order to facilitate and improve the efficiency of the measures and mechanisms referred to in paragraph 1 of this article, each State Party shall designate a liaison officer or responsible central official whose name and functions shall be communicated, for registration and circulation to States Parties, to the Centre for International Crime Prevention.

“3. States Parties shall cooperate with one another for the purpose of adopting the necessary legal and administrative measures in order that letters rogatory concerning corruption sent by one State Party to another State Party can be considered and transmitted with priority and with the avoidance of returns or delays for reasons of form that do not affect the substance of the request.”

[It is proposed to transfer paragraph 4 to article 5 [Preventive anti-corruption policies] and to insert it as paragraph 4 bis.]

“5. States Parties shall cooperate with one another in eliminating any regulatory gaps in their respective laws that might permit or give rise to acts of corruption and related offences.

“6. States Parties shall cooperate with one another for the purpose of expediting the process of recognition of judicial sentences establishing criminal, civil and administrative liability in cases of corruption and related offences in accordance with this Convention.

“7. States Parties shall cooperate with one another, through their national authorities or entities responsible for preventing and combating corruption and promoting ethics and transparency in public administration, for the purpose of exchanging successful experiences and promoting transparency in public administration and the private sector by, inter alia, adopting transparent auditing and public procurement regulations and procedures.”

[It is proposed to transfer paragraph 8 to article 55, option 1, and to insert it as a second option for paragraph 2.]

[It is proposed to transfer paragraph 9 to article 5 [Preventive anti-corruption policies] and to insert it as paragraph 5 bis.]

“10. States Parties shall support the Centre for International Crime Prevention through voluntary contributions in order to promote cooperation programmes and projects, especially ones aimed at developing countries, with a view to implementing this Convention.”